

Section by Section Summary of the Miner Health Enhancement Act of 2007

Section 1 - Short Title. - This Act shall be officially referred to its full title.

Section 2 - Sense of Congress - This section notes that existing health standards are often 40 years old and DOL has not been able to update them.

Sec.3 Air Contaminants.— The 1977 Federal Mine Safety and Health Act required MSHA to immediately adopt hundreds of existing “permissible exposure limits” (PELs) developed by various professional organizations so that it would have standards to apply to the mines. As with coal dust and silica, however, MSHA has been unable to update these PELs, due to complexities of the regulatory process in the law as interpreted by the courts. A comprehensive effort to do this in the early 1990s was halted. As a result, most of the PELs are now 40 years out of date. While many mine operators do comply with much more recent recommendations of the professional organizations, or international standards, MSHA is unable to require all mine operators to do so.

Accordingly, 40 years after the Federal Mine Safety and Health Act, the bill would have the Congress once again set the appropriate standards. For this purpose, the bill requires MSHA to take the current “recommended exposure limits” developed by NIOSH over many years and apply them as “permissible exposure limits”. To avoid allowing this problem to continuously recur, the bill would also require MSHA to continue to update the PELs as new NIOSH recommended exposure limits are issued.

Sec.4 Asbestos.— Miners in certain types of mining operations are exposed to hazardous asbestos. The current MSHA standard is years out of date and not as protective as the current OSHA standard applicable to all other workers. The bill would require MSHA to promptly adopt the OSHA standard.

Sec.5 Hazard communication. -- A hazard communication rule requires those who produce or provide potentially hazardous substances to provide certain information to users in the form of Material Safety Data Sheets (MSDSs). The practice is now universal and considered the first line of defense for worker health. However, after the current Administration took office, it amended the MSHA rule to significantly weaken it -- essentially by allowing the use of MSDSs with dated scientific information. The bill would require MSHA to enforce the rule that was in place prior to these changes.